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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,837	11/01/2001	Jamie Kellner	3054-045	3643

22440 7590 03/04/2009

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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/002,837	KELLNER ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,17,18,20,22-27,29,30 and 47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,17,18,20,22-27,29,30 and 47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/10/2008 have been fully considered but they are not persuasive.

Applicant argues that Bryant fails to disclose that the broadcast program received by one customer is different from the broadcast program received by another customer. The Examiner respectfully disagrees.

Bryant clearly discloses that a broadcast program received at set top box 832 contains segments A and C/D, while set top box 833 also receives segments A and C/D (**see Figure 8**). The Examiner notes that two interpretations exist for the different segments (**B and C/D in Figure 8**), the first where segment B is a main segment and segments C/D are the alternative segments and the second where segment C is the main segment and segment D is the alternative segment. Regardless of Bryant storing a profile (**as further argued by Applicant**), this argument is moot because which segments the set top boxes choose are unrelated to what segments the set top boxes receive.

Applicant also argues that Bryant fails to teach or suggest that the second output audio signal with a small number of segments is specific to a second geographical location and the remaining segments of the second output is identical to the remaining segments of the first output. The Examiner respectfully disagrees.

Bryant clearly discloses that the second output audio signal with a small number of segments (**segment C in Figure 8**) is specific to a second geographic location (**STB 832 in Figure 8**) and the remaining segments of the second output signal (**segments A received at STB 832 in Figure 8**) is identical to the remaining segments of the first output signal (**segments A received at STBs 831 and 833**). Further note Column 4, Lines 29-31, Column 8, Lines 55-57, Figures 1 and Figure 8 of Bryant for teaching that each STB device is located in a different geographical location (**different city, street, room in a house**).

Applicant also argues that the broadcast signal with alternative audio track of the subject application is not controlled by a profile as in Bryant. The Examiner agrees that Bryant uses a profile to select different segments to present to a viewer, however, Bryant also teaches that segments can be modified at the headend level. Figure 8 of Bryant clearly discloses that a headend/street box 840 also determines to transmit segments A-B-A or A-C/D-A to multiple viewers.

At the end of section III of Applicant's arguments, the Applicant argues that Bryant fails to teach or suggest the limitation of "...generating a second output audio signal with a small number of segments being specific to said second geographic location, the remaining segments of said second output signal being identical to the remaining segments of said first output signal.

See the Examiner's rebuttal above which addresses these arguments.

Applicant also argues that Bryant fails to teach the entire first paragraph of limitations in claim 15.

As cited in the previous Office Action, Bryant teaches a broadcasting apparatus (**see studio 110, Head End 140, Sub-Head End 150 or Street Box 160 in Figure 1**) adapted to transmit several composite video signals (**see Column 2, Lines 18-35 and Lines 60-62**) to several respective geographic areas (**see Figure 1 and Column 4, Lines 35-59 for multiple set-top boxes 200 in various geographic locations receiving composite video signals**), each of said composite video signals including a video broadcast channel that carries a video signal for an audio-visual program (**see Figure 4 and Column 5, Lines 40-45**), a main audio channel that carries a standard audio track for said program and an additional channel that carries an alternative audio track for said program (**see Figure 4 and Column 5, Lines 42-45 for the composite video signal comprising a first and second audio channel (main and alternative**), said alternative audio track being a modified version of said standard audio track that is specific to the respective geographic area (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D – A is a modified version of the standard audio track A – B - A transmitted from Head End/Street Box 840 to STB 831**), said standard audio track and said alternative audio track consisting of dialog in the same language (**see Column 6, Line 55 through Column 7, Line 17 for selecting program content for two demographically different audiences from with a single broadcast and further**

note that two set-top boxes 200 in Figure 1 can reside under a single Street Box 160, therefore video programs transmitted to two different families on a single street would transmit programs in the same language).

Bryant fails to disclose that the alternative audio track for said program is transmitted on a SAP (secondary audio program) channel.

Block discloses carrying additional audio channels in the SAP portion of the composite video signal (**see Column 19, Lines 18-52**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the composite video signals, as taught by Bryant, to include alternative audio signals in a SAP portion of the composite video signals, as taught by Block, for the purpose of increasing the amount of information available to a television viewer during the broadcast of a program (**see Column 1, Lines 65-66 of Field, U.S. Patent No. 4,410,911 which is incorporated by reference by Block in order to teach the use of including additional audio signals in the SAP portion of a composite video signal).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15, 17-18, 20, 22-27, 29-30 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (U.S. Patent No. 5,652,615) in view of Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 15, Bryant discloses a broadcasting system (**see Figure 1**) comprising a broadcasting apparatus (**see studio 110, Head End 140, Sub-Head End 150 or Street Box 160 in Figure 1**) adapted to transmit several composite video signals (**see Column 2, Lines 18-35 and Lines 60-62**) to several respective geographic areas (**see Figure 1 and Column 4, Lines 35-59 for multiple set-top boxes 200 in various geographic locations receiving composite video signals**), each of said composite video signals including a video broadcast channel that carries a video signal for an audio-visual program (**see Figure 4 and Column 5, Lines 40-45**), a main audio channel that carries a standard audio track for said program and an additional channel that carries an alternative audio track for said program (**see Figure 4 and Column 5, Lines 42-45 for the composite video signal comprising a first and second audio channel (main and alternative**), said alternative audio track being a modified version of said standard audio track that is specific to the respective geographic area (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D – A is a modified version of the standard audio track A – B - A transmitted from Head End/Street Box 840 to STB 831**), said standard audio track and said alternative audio track consisting of dialog in the same language (**see Column 6, Line 55 through Column 7, Line 17 for selecting program content for two demographically different**

audiences from with a single broadcast and further note that two set-top boxes 200 in Figure 1 can reside under a single Street Box 160, therefore video programs transmitted to two different families on a single street would transmit programs in the same language).

Bryant also discloses a plurality of video signal processors disposed in several of said geographic areas and adapted to receive said composite video signals and to generate corresponding output audio and video signals (**see again Figures 1 and 8 and the examiner remarks above**), said video signal processors including a selector adapted to select one of said main and alternative audio tracks as the active audio track (**see Figure 2 for STB 200 and Column 4, Line 54 through Column 5, Line 9 for the components used to switch between the various demographic composite program signals**), said video signal processors generating said output audio signal corresponding to said active audio track (**see again Column 6, Line 55 through Column 7, Line 17**).

Bryant also discloses that a first of said video signal processors is disposed in a first of said geographic areas (**see STB 831 in Figure 8**), having its selector set to receive the alternative audio track and generating a first output audio signal with a small number of segments being specific to said first geographic location (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D - A is a modified version of the standard audio track A - B - A transmitted from Head End/Street Box 840 to STB 831**).

Bryant also discloses that the second of said video signal processors is disposed in a second of said geographic areas (**see STB 833 in Figure 8**), having its selector set to receive the alternative audio tracks, and generating a second output audio signal with a small number of segments being specific to said second geographic location, the remaining segments of said second output signal being identical to the remaining segments of said first output signal (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D – A is a modified version of the standard audio track A – B - A transmitted from Head End/Street Box 840 to STB 831**).

Bryant fails to disclose that the alternative audio track for said program is transmitted on a SAP (secondary audio program) channel.

Block discloses carrying additional audio channels in the SAP portion of the composite video signal (**see Column 19, Lines 18-52**).

Block also discloses that at least one of said video signal processors is comprised of a settable latch and decoder, wherein said latch is set by entering a code which is decoded by said decoder, and in which said settable latch is engaged to only receive said alternate audio track (**see Figure 7 and Column 13, Line 58 through Column 14, Line 52 and Column 15, Line 20 through Column 17, Line 60 for teaching a latch and decoder for determining what audio channel to select for output to the viewer**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the composite video signals, as taught by Bryant, to

include alternative audio signals in a SAP portion of the composite video signals, as taught by Block, for the purpose of increasing the amount of information available to a television viewer during the broadcast of a program (**see Column 1, Lines 65-66 of Field, U.S. Patent No. 4,410,911 which is incorporated by reference by Block in order to teach the use of including additional audio signals in the SAP portion of a composite video signal).**

Referring to claims 17-18 and 20, see the rejection of claim 15.

Referring to claim 22, see the rejection of claim 15.

Referring to claim 23, see the rejection of claim 15.

Referring to claim 24, Bryant discloses that the selector is responsive to commands from a user (**see Column 4, Lines 5-9**).

Referring to claim 25, Block discloses a latch responsive to a code to override said commands and lock said selector into a predetermined position (**see Column 14, Lines 6-65**).

Referring to claim 26, see the rejection of claim 15.

Referring to claims 27, 29-30 and 47, see the rejection of claim 15 (**again note Figure 8, Column 6, Line 55 through Line 17 and Column 8, Lines 35-57**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

Jason P Salce
Primary Examiner
Art Unit 2421

February 25, 2009